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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,661	02/26/2002	Kelan C. Silvester	42390P13004	8664
8791	7590	11/29/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			TRAN, PHUC H	
12400 WILSHIRE BOULEVARD			ART UNIT	
SEVENTH FLOOR			PAPER NUMBER	
LOS ANGELES, CA 90025-1030			2616	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,661

Applicant(s)

SILVESTER, KELAN C.

Examiner

PHUC H. TRAN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 8, 11-13, 15, 17, 18, 21-24, 26-31 and 33-35 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 9, 10, 14, 16, 19, 20, 25, 32 and 37-40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3,5,7,8,11-13,15, 17,18,21-24,26-31,and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Larsson et al. (U.S. Patent No. 6697638 B1).

- With respect to claims 1, 11,21,26,31, and 34-35 Larsson teaches a method comprising: detecting at least two audio sources within communication range of a wireless device (col. 3, lines 26-31 and col. 4, lines 6-14);

establishing an audio link with each audio source devices of the at least two detected audio sources (col. 3, lines 36-40 and col. 4 line 8-11); and

providing, via at least two device audio channels, audio streams to a user of the wireless device, wherein the audio streams are from one or more of the predetermined number of audio

source devices with an established audio link to the wireless device (e.g. the car kit and handheld phone communicate to each other as Fig. 2, col. 4, lines 11-14).

- With respect to claims 2, 12, 22, and 27, Larsson also teaches wherein detecting the audio sources further comprises:

polling a surrounding area of the wireless device for audio sources within a pre-determined distance of the wireless device (col. 3, lines 60-67);

when an audio source is detected, initiating an authentication handshake with an audio source device of the detected audio source (col. 3, lines 33-35);

once the detected audio source device is authenticated, initiating creation of an audio link with the authenticated audio source device (col. 3, lines 36-40); and

repeating the polling, initiating and initiating until an audio link is established with the pre-determined number of the detected audio source devices (col. 4, lines 1-5).

- With respect to claims 3, 13, 23, and 28, Larsson further teaches wherein initiating the authentication handshake further comprises:

determining a device ID of the detected audio source device (col. 4, lines 15-20);

determining, according to the device m, whether the detected audio source device is a trusted device (col. 4, lines 28-30);

when the audio source device is a trusted device, authenticating the device to enable creation of an audio link between the detected audio source device and the wireless device (col. 4, lines 51-55); and

otherwise, disregarding the detected audio source device (col. 4, lines 30-31).

- With respect to claims 5, and 15, Larsson teaches wherein establishing an audio link further comprises: selecting an authenticated audio source device (col. 4, lines 8-14);

generating a communication connection with the authenticated audio source device to form an audio link between the headset device and the selected audio source device (col. 4, lines 15-20); and

repeating the selecting and generating until the pre-determined number of audio links are established (col. 4, lines 1-5).

- With respect to claims 7-8,17-18,24, and 29-30 Larsson also teaches wherein providing the audio sources to the user further comprises:

generating a device audio channel for each established audio link with a detected audio source device (e.g. Fig. 2 shows links between the master and slave);

receiving, from the user, a selection for one or more of the generated device audio channels; and

providing, via the one or more selected device audio channels, selected audio streams to the user via the wireless device.

Allowable Subject Matter

3. Claim 4, 6, 9-10,14,16,19-20,25, 32, and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3,5,7,8,11-13,15,17,18,21-24,26-31, and 33-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Assistant Examiner
Art Unit 2616

P.t
11/27/06

